

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 39 and 46 are amended without prejudice or disclaimer.

#### **Rejection of Claims 39-54 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 39-54 under 35 U.S.C. §103(a) as being unpatentable over Picco et al. (U.S. Patent No. 6,029,045) (“Picco”) in view of Andros et al. (U.S. Patent No. 5,045,850) (“Andros”) and in further view of Jones (U.S. Patent No. 6,055,246) (“Jones”). In view of the amendments to the claims, Assignee submits that these rejections are now moot.

With respect to claim 39, as amended, the asserted combination of Picco, Andros, and Jones fails to disclose or suggest a method for receiving video performance content over a network for generating a pseudo-live performance for an end-user, as recited in amended claim 39. In particular, the asserted combination of references fails to disclose or suggest the generating of a pseudo-live performance by mixing content further includes translating at least a portion of the pseudo-live performance into a different language. Such a limitation is not disclosed in any of the asserted references.

Picco is directed to systems and methods for inserting local content into programming content. However, although Picco appears to disclose generating content for a user by mixing content from various sources, Picco fails to disclose that a translation of any of this content into a different language is provided. In fact, Picco is silent with respect to providing any type of translation.

Andros is directed to systems and methods for a paging network for storing and delivery files, including content. However, while Andros appears to disclose delivery of different types of content based on one or more factors, Andros also fails to disclose that a translation of any of

this content into a different language is provided. In fact, Andros is silent with respect to providing any type of translation.

Jones is direct to method for adding time information to a data stream. However, while Jones appears to disclose how to timestamp content and adjusting time information for content, Jones also fails to disclose that a translation of any of this content into a different language is provided. In fact, Jones is silent with respect to providing any type of translation.

In contrast, claim 39, as amended, explicitly recites “wherein when the controller generates the pseudo-live performance by mixing content, actions of the control comprise **providing a translation** of at least a portion of the pseudo-live performance in a different language” (emphasis added). Therefore, claim 39, as amended, defines over the combination of Picco, Andros, and Jones. Accordingly, this rejection of claim 39 should be withdrawn.

With respect to claim 46, as amended, this claim recites limitations substantially similar to those described above with respect to amended claim 39. Therefore, for at least the reasons described above with respect to amended claim 39, claim 46, as amended, defines over the combination of Picco, Andros, and Jones. Accordingly, this rejection of claim 46 should be withdrawn.

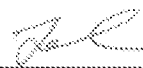
With respect to claims 40-45 and 47-54, each of these claims is dependent on one of claims 39 and 46, as amended, while reciting additional limitations. Therefore, for at least the reasons described above with respect to amended claims 39 and 46, these dependent claims also define over the combination of Picco, Andros, and Jones. Accordingly, these rejections of claims 40-45 and 47-54 should be withdrawn.

**CONCLUSION**

Having addressed all rejections and objections, the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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By:  \_\_\_\_\_

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